

110TH CONGRESS  
2D SESSION

# H. R. 6091

To amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2008

Mr. ENGLISH of Pennsylvania (for himself and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare Program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Save Medicare Act of  
5       2008”.

1 **SEC. 2. INCREASE IN MEDICARE PHYSICIAN PAYMENT UP-**  
2 **DATE.**

3 Section 1848(d) of the Social Security Act (42 U.S.C.  
4 1395w-4(d)), as amended by section 101 of the Medicare,  
5 Medicaid, and SCHIP Extension Act of 2007 (Public Law  
6 110-173), is amended—

7 (1) in paragraph (8)—

8 (A) in the heading, by striking “A PORTION  
9 OF”;

10 (B) in subparagraph (A)—

11 (i) by striking “(A) IN GENERAL.—  
12 Subject to” and inserting “Notwith-  
13 standing”; and

14 (ii) by striking “for the period begin-  
15 ning on January 1, 2008, and ending on  
16 June 30, 2008,”;

17 (C) by striking subparagraph (B); and

18 (2) by adding at the end the following new  
19 paragraph:

20 “(9) UPDATE FOR 2009.—In lieu of the update  
21 to the single conversion factor established in para-  
22 graph (1)(C) that would otherwise apply for 2009,  
23 the update to the single conversion factor shall be  
24 1.8 percent.”.

1 **SEC. 3. EXTENSION OF THE PHYSICIAN QUALITY REPORT-**  
2 **ING SYSTEM.**

3 (a) SYSTEM.—Section 1848(k)(2)(B) of the Social  
4 Security Act (42 U.S.C. 1395w–4(k)(2)(B)), as amended  
5 by section 101 of the Medicare, Medicaid, and SCHIP Ex-  
6 tension Act of 2007 (Public Law 110–173), is amended—

7 (1) in the heading, by striking “AND 2009” and  
8 inserting “, 2009, AND 2010”;

9 (2) in clause (i), by striking “and 2009” and  
10 inserting “, 2009, and 2010”; and

11 (3) in each of clauses (ii) and (iii)—

12 (A) by striking “and 2008” and inserting  
13 “, 2008, and 2009”; and

14 (B) by striking “or 2009” and inserting “,  
15 2009, or 2010”.

16 (b) REPORTING.—Section 101(c) of division B of the  
17 Tax Relief and Health Care Act of 2006 (42 U.S.C.  
18 1395w–4 note), as amended by section 101 of the Medi-  
19 care, Medicaid, and SCHIP Extension Act of 2007 (Public  
20 Law 110–173), is amended—

21 (1) in the heading, by striking “AND 2008” and  
22 inserting “, 2008, AND 2009”; and

23 (2) in paragraph (6)(C)—

24 (A) in clause (i), by striking “and” at the  
25 end;

1 (B) in clause (ii), by striking the period at  
 2 the end and inserting “; and”; and

3 (C) by adding at the end the following new  
 4 clause:

5 “(iii) for 2009, all of 2009.”.

6 **SEC. 4. EXTENSION OF MEDICARE INCENTIVE PAYMENT**  
 7 **PROGRAM FOR PHYSICIAN SCARCITY AREAS.**

8 Section 1833(u) of the Social Security Act (42 U.S.C.  
 9 1395l(u)), as amended by section 102 of the Medicare,  
 10 Medicaid, and SCHIP Extension Act of 2007 (Public Law  
 11 110–173), is amended—

12 (1) in paragraph (1), by striking “July 1,  
 13 2008” and inserting “January 1, 2010”; and

14 (2) in subparagraph (4)(D), by striking “July  
 15 1, 2008” and inserting “January 1, 2010”.

16 **SEC. 5. EXTENSION OF FLOOR ON MEDICARE WORK GEO-**  
 17 **GRAPHIC ADJUSTMENT UNDER THE MEDI-**  
 18 **CARE PHYSICIAN FEE SCHEDULE.**

19 Section 1848(e)(1) of the Social Security Act (42  
 20 U.S.C. 1395w–4(e)(1)), as amended by section 103 of the  
 21 Medicare, Medicaid, and SCHIP Extension Act of 2007  
 22 (Public Law 110–173), is amended—

23 (1) in subparagraph (A), in the matter pre-  
 24 ceding clause (i), by striking “subparagraphs (B)”  
 25 through “the Secretary” and inserting “the suc-

1 ceeding provisions of this paragraph, the Secretary”;  
2 and

3 (2) in subparagraph (E), by striking “July 1,  
4 2008” and inserting “January 1, 2010”.

5 **SEC. 6. EXTENSION OF ACCOMMODATION OF PHYSICIANS**

6 **ORDERED TO ACTIVE DUTY IN THE ARMED**  
7 **SERVICES.**

8 Section 1842(b)(6)(D)(iii) of the Social Security Act  
9 (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by section  
10 116 of the Medicare, Medicaid, and SCHIP Extension Act  
11 of 2007 (Public Law 110–173), is amended by striking  
12 “July 1, 2008” and inserting “January 1, 2010”.

13 **SEC. 7. SENSE OF CONGRESS REGARDING FISCAL RESPON-**  
14 **SIBILITY.**

15 It is the sense of Congress that—

16 (1) the provisions of, and amendments made  
17 by, this Act should be deficit neutral over the 5-year  
18 period beginning on October 1, 2008; and

19 (2) Congress should address the challenges fac-  
20 ing the Medicare program in a fiscally responsible  
21 manner.

22 **SEC. 8. SENSE OF CONGRESS REGARDING QUALITY.**

23 It is the sense of Congress that—

24 (1) the Medicare program should provide pay-  
25 ments to physicians and other health professionals

1       that serve as positive incentives for participation in  
2       voluntary initiatives to improve health care quality;

3           (2) such initiatives should include pay-for-re-  
4       porting programs, programs to facilitate coordina-  
5       tion of care, the use of clinical appropriateness cri-  
6       teria developed by organizations representing physi-  
7       cians and other health care professionals, grants for  
8       developing and pilot testing data registry systems,  
9       grants for participation in such data registries, and  
10      other appropriate initiatives; and

11           (3) financing for such initiatives should be non-  
12      punitive and exempt from the Medicare physician fee  
13      schedule budget neutrality requirements.

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